

**COLE, SCHOTZ, MEISEL,  
FORMAN & LEONARD, P.A.**

A Professional Corporation

Court Plaza North

25 Main Street

P. O. Box 800

Hackensack, New Jersey 07602-0800

(201) 489-3000

(201) 489-1536 Facsimile

Attorneys for Plaintiff, Educational Credit Management Corporation

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

EDUCATIONAL CREDIT  
MANAGEMENT CORPORATION.

Plaintiff,

v.

DARRICK E. ANTELL, M.D., D.D.S, P.C.,  
DARRICK E. ANTELL, M.D., P.C. and  
ABC CORPORATIONS (names being  
unknown at this time),

Defendants.

Civil Action: 08-cv-4705

**WAIVER OF SERVICE OF SUMMONS**

TO: Kenneth L. Baum, Esq.  
Cole, Schotz, Meisel,  
Forman & Leonard, P.A.  
25 Main Street  
Hackensack, NJ 07601

I have received your request to waive service of a summons in this action along with a copy of the amended complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

On behalf of Darrick E. Antell, M.D., D.D.S., P.C., and Darrick E. Antell, M.D., P.C. (collectively "Defendants"), I agree to save the expense of serving a summons and complaint in this case.

I understand that Defendants will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but waive any objection to the absence of a summons or of service.

I also understand that I must file and serve an answer on behalf of Defendants, or a motion under Rule 12, within 60 days from July 11, 2008, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against Defendants.

KERN AUGUSTINE CONROY &  
SCHOPPMANN, P.C.  
Attorneys for Defendants,  
Darrick E. Antell, M.D., D.D.S., P.C.  
and Darrick E. Antell, M.D., P.C.



---

By: Edward R. Hopkins, Esq.

DATED: July 14, 2008

#### **Duty to Avoid Unnecessary Expenses of Serving a Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of service of a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expense of such service, unless the defendant shows good cause for the failure.

“Good Cause” does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.